

I am unable to come to Helena due to my work schedule and request that my opposition to the HB 557 be noted.

I moved to the Flathead valley almost 9 years ago with my wife. I have invested heavily in the area. When I began my neurosurgical practice in Kalispell, I was the sole provider of this service. Through hard efforts, Kalispell Regional Medical Center is now on the cusp of having 3 neurosurgeons providing superior care and allowing for attractive growth for the area as well as substantial spin-off growth in the medical and allied health fields. My wife and I have invested emotionally by choosing to raise our children in Montana. I have also invested heavily in local business and real estate. As it has always been my desire to live in a rural setting, I purchased 100 acres in West Valley, noting the neighborhood plan and the oversight of local authorities providing the protection needed to insure property value stability as well as area-appropriate activities. The introduction of HB 557 is an overt attempt by the extractive industry to either tax families who desire attractive, quiet, non-industrialized settings out of contention or make living in areas such as West Valley so onerous (read: financially burdensome) so as to destroy property values. It is self evident that local governing bodies are best equipped to decide the conditioning of permits and whether a permit is even permissible. HB557 usurps local authority for the benefit of legacy land owners and the extractive industry. HB 557 is bad policy for families who call rural settings home and serves only land owners who feel free-for-all usage of their land is called for in spite of impact on surrounding neighbors.

With long hours and significant money, I have invested heavily in Montana. I would be supremely disappointed and disillusioned if my investments were considered any less important than the extractive industry's or legacy land owners. Please reject this proposed legislation immediately.

Sincerely;

**Rob Hollis, MD
Caroyl Hollis**

**470 Browns Road
Kalispell MT**

JERRY NIX
43 SUNRISE DRIVE
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OPINION

Gravel-pit bill is step backward

Apparently, there are no easy answers when it comes to gravel pits. At least, no easy answers that can't be made complicated.

That seems to be the case with House Bill 557, which would make a slight change to Montana Code 76-2-209, and by doing so greatly diminish the ability of local officials to determine if gravel pits are appropriate in a particular locale.

We frankly thought this was all resolved in the 2005 Legislature. In response to a dispute in Flathead County, the Legislature passed a law that gravel pits and concrete and asphalt plants "may be reasonably conditioned or prohibited" on a site that is "zoned as residential, as defined by the board of county commissioners."

This provided county commissioners just the flexibility they needed to judge for themselves whether a neighborhood was residential, and therefore whether or not gravel pits were an appropriate use therein.

Mind you, until 2004, it was well understood that counties could and should regulate gravel pits by imposing conditions that would protect neighbors' rights to safe roads, a safe environment and general welfare. Unfortunately, at that time, Flathead County zoning administrator Forrest Sanderson decided that residents who didn't live in "R" residential zones did not enjoy those same rights.

Inter Lake editorial

So the 2005 Legislature restored the ability of counties to protect their citizens by putting appropriate restrictions and limits on how gravel pits could be operated. Following that law, the Flathead County commissioners then adopted a zoning text amendment in June 2005 that gave the Board of Adjustment authority to regulate gravel pits in all zoning districts that allow residential uses.

To date, that authority has been used to reject just one gravel pit and to force another one to give up its planned asphalt plant, while in the same period several other gravel pits have been approved.

In other words, there has been no abuse of discretion and no large-scale assault on the open-pit mining industry. The community at large recognizes the need for gravel pits, and the Board of Adjustment has responsibly approved projects whenever possible. The fact that a couple of projects have been rejected or limited is not a problem, but rather a sign that the board is taking its work seriously and not just acting as a rubber stamp.

Unfortunately, those few rejections have gotten the Montana Contractors Association worried, and they proposed in House Bill 557 to further restrict the authority of the commissioners to regulate gravel pits.

In particular, the bill would change the wording of the current law so that gravel pits could only be prohibited or restricted in areas which are "zoned as residential" AND are "taxed as Class Four property." Class Four property includes residential and most commercial property, which is fine, but the problem is that many large parcels located in areas which are "zoned as residential" are actually taxed as Class Three property, generally some form of agricultural or forest land.

That being the case, HB557 would get us right back into the same problem we had back in 2004 — large landowners deciding to convert their farmland to gravel pits without any conditions or control by the county and its citizens, even when the located smack dab in the middle of a residential zone.

That's a bad idea. If there are some particular non-residential zones where contractors think they should have the right to introduce gravel pits without restriction, they should come right out and say so. But don't monkey with the law so that gravel pits can once again be introduced in residential zones where the public clearly doesn't want them.

■ ■ ■

The Senate Natural Resources Committee will hold a public hearing on House Bill 577 today at 3 p.m. in Room 317A at the Capitol Building in Helena.



Kathleen Parker

Al Sharpton's 'rabbit in the hat'

Al Sharpton's desperation is showing. His recent attacks on presidential candidate Barack Obama and his threat to withhold his support have exposed the trick behind Sharpton's magic act. His audience is leaving the tent and Sharpton is scrambling for relevancy.

Sharpton has been challenging Obama's credentials in the black community and saving that Obama is the darling of white leadership, according to Democratic sources.

Sharpton told CBS News that he is withholding his endorsement until after his National Action Network summit next month. Meanwhile, he's playing hard to get between the Obama and Hillary Clinton camps, even declining to return calls from Obama's campaign.

Now, it is fair to ask, what is Sharpton really up to? What is his real objection to Obama? That Obama has white supporters? That Obama has become the first serious black presidential candidate in U.S. history? That he lacks the civil rights bona fides that Sharpton claims for himself?

Or is the real problem that Obama's biracial appeal has trumped Sharpton's race card?

For the past few decades, black votes have been promised and delivered by brokers like Sharpton. This isn't shocking in itself. Everybody does it. On the Republican side, cer-



Hi,

I would ask that you seriously consider the consequences of this bill before you vote.

Voting yes on this bill will only cause more conflict to areas that already have a tremendous amount of problems. I live in an area zoned as "Residential", this area has several properties taxed as "Agricultural", this bill would only turn a "Bad dream" into a "Nightmare" for all sides.

Please vote no on HB 557.

I do not understand how anyone can endorse HB 557, you will say it's okay to put an industrial size gravel pit and/or Asphalt/Batch plant next door to homes in a residential area, basically with no control over them. I live a mile west of a 320 acre gravel pit, of which maybe 20+ acres are active, that has been in operation since last summer, I can tell you that my quality of life in my own home will never be the same. I am separated by this pit with open land and several acres of trees, I can only imagine what it is like for people who live next to the pit or on the valley floor that do not have trees as some sort of buffer. I wake up every morning to the sounds of BEEP-BEEP-BEEP from the machinery, and I hear the crusher which sounds like a plane.

It's winter, the doors and windows are basically closed, can you imagine what it will be like in summer when I want to open the house up for fresh air, it will drive someone insane. I most likely would not even want to go out in my yard to work in my flower garden or vegetable garden unless I have the radio on full blast.

This is my home, this is where I am to have peace and quiet, where I can feel safe and enjoy what I have worked so hard for. That is why I live in the area I do, if I wanted noise and pollution I would move to the city, or better yet Portland, Oregon or Los Angeles, California.

In 2005 a 16 year old girl was killed by a gravel truck on the corner of Stillwater and W. Reserve, a year later another girl was hit, in the exact same location, this is where the new high school is going. Why in the world would you endorse a bill that will allow gravel trucks to go by schools, not just one, but several.

There are over 120 gravel pits in Flathead County, why is more needed, especially amongst people's homes. According to the DEQ office in Helena they basically have one person per county to monitor these pits, the pit I live next to has been out of compliance more times than you can count and they don't have the manpower to check it out every time a complaint is made, Flathead County Planning and Zoning has the same issue, not enough man power to monitor their Conditional Use Permits.

I will admit that I am not a native of Montana, I'm not ashamed of that. Actually Montana should be proud that people want to live in such a beautiful state, I moved to this area for its beauty, safety, quietness, wildlife, and its lack of big

malls, I wanted to be where the people enjoyed their lives.

I ask you that you serious reconsider backing HB 557, do you really think people want to live next to a huge whole in the ground that does not allow any peace in your own home.

At an earlier hearing, a statement by Carl Schweitzer, Chambers of Commerce, stated that their 700 members of the Chamber endorsed this bill. I just find that hard to believe because I know members who do not agree with this bill, I just find it rather frustrating when false information is given.

Again, thank you for your time and I'm sorry for the long letter.

Thank you,
Irene Vandehey
644 Bald Rock Road
Kalispell, MT 59901

jnix

From: cookla [cookla@centurytel.net]
Sent: Monday, March 12, 2007 10:04 PM
To: jnix
Subject: Fw: HB 557 - LETTER

March 12,2007

To: The Honorable Senators and Representatives of the State of Montana

RE: HB 557 - **"PLEASE VOTE NO"**

We have been in Kalispell, for some years now as our choice of retirement home. We have visited Yak, Wisdom, Red Lodge, Ekalaka, Scobey, etc. We know full well that what is right for one region is not remotely right for all! This House Bill is a travesty and should be defeated. It does not matter where one lives in this state this bill is not good for anyone. When there are no controls quality of life will deteriorate.

We can not imagine why you would let Industry take over and be run without controls. They could run 24 hours a day, 365 days a year. The gravel trucks will destroy our roads which is already being done, asphalt plants produce chemical pollution which will be put into the air and water, noise will be unbearable, etc. Is this what you want for the people in Montana?

Money is not everything, it is not even a close second! However, some how or another, it seems to be all you politicians seem to react to. You are put in office to work for and care about the people instead of yourselves. It is time for you to stand up for us. Thank you.

Peter and Julia Byrnes
1025 Dun Movin Lane
Kalispell, Mt. 59901
406-756-7455

3/12/2007

March 13, 2007

Montana Senate
RE: HB 557

Gentlepersons:

I am very much confused as to why House Bill 577 is being considered for the People of the State of Montana. Given the fact that this Bill would very much loosen all restrictions on just the Gravel (Mining) Industry, I don't see the advantage to the average tax payer.

Also of concern is the fact that this Bill only gives advantages to one (1) industry, only one segment of mining. How this can be considered reasonable is beyond the common observer.

Let's not play favorites. This Bill is not advantageous to Montana Tax Payers and only benefits one (1) group of business or benefactor. Vote 'NO' on House Bill 557 and keep common sense government intact.

Susan Schwager
P. O. Box 7635
Kalispell, Montana 59904

Dear Committee Members,

I would like to voice my opposition to 'Revised Criteria for HB 557'. The stated revisions eliminate any possibility of planning by local/county planning boards and the associated public hearings periods. These hearings provide the only mechanism for citizen involvement and involvement by nearby landowners whose property values are negatively impacted by gravel operations. The impact is much greater when these operations involve concrete & asphalt.

Furthermore, these operations cause a disproportionate share of damage to public roads and are in many cases, agriculturally designated zones operating as commercial/heavy industrial. A tax should be put in place for these operations to subsidize the necessary road repair. Industrial tax rates, not agricultural tax rates, should be applied to match the true nature of the business conducted.

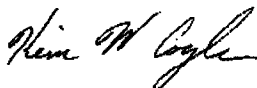
The cumulative impact of traffic produced by gravel operations must be also be taken into consideration. In West Valley, a new high school is scheduled to open this fall. We've already had a death of a teenager, and a second accident, involving one of the gravel pit owner's daughter at the same intersection. The roads here are much too narrow, no sidewalks for students or pedestrian traffic and they are not properly constructed for traffic of this nature, especially when considering the tandem trailers utilized. How would a community respond and appropriate planning taken into account if the proposed changes are instituted?

The cumulative impact of particulates in the air, the scientific evaluation of nitrate compounds which are disturbed by gravel operations and then washed with water hasn't taken place. The DEQ acknowledges this type of study should be conducted but state they don't have the funding to carry out such a study. Is the gravel industry and government ready to fund such a study prior to moving forward? I suspect the answer is no. Yet if a problem is discovered by such a study, who pays the real price? The gravel industry or government folks representing ALL of us? Again, the answer is no, it's the people living in the residentially designated areas in the proximity of these operations that pay for these negative impacts and the self interests of a select few.

The changes to this bill may be an idea that Ralph Heinhert and folks in Libby *may* favorably respond to, but is totally inappropriate for areas experiencing the residential growth rates we are in parts of Flathead County

While I agree that leeway should be given to private property owners and how they may use their land, due consideration must be given to the private property owners in the surrounding area. The proposed changes negate such consideration. The adjacent property owners also have a stake and are in most cases negatively impacted by these operations. Please vote in opposition to these changes.

Sincerely,



Kevin Coyle
120 Marin's Way
Kalispell MT 59901